

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

- Group I: Claims 7, 15, drawn to R^6 , R^7 , R^8 are compounds classified in class 546, subclass various depending on species election. If this group is elected, a further election of a single disclosed species is also required. Claims 1-6, 8-14, 16-21 reading on R^6 , R^7 , R^8 are H or alkyl can be prosecuted together with the elected compounds.
- Group II: Claims 1-6, 8-14, 16-21, drawn to one or more of R^6 , R^7 , R^8 is $P(=O)(OR^9)_2$, classified in class 546, subclass 22. If this group is elected, a further election of a single disclosed species is also required.
- Group III: Claims 1-6, 8-14, 16-21, drawn to one or more of R^6 , R^7 , R^8 is $(C=O)-O-R^{10}$ or $(C=O)-NH-R^{11}$, classified in class 546, subclass various depending on species election. If this group is elected, a further election of a single disclosed species is also required. Further restriction among $(C=O)-O-R^{10}$ and $(C=O)-NH-R^{11}$ may be required.
- Group IV: Claims 1-6, 8-14, 16-21, drawn to one or more of R^6 , R^7 , R^8 is $(C=O)-R^{12}$, classified in class 544, subclass various depending on species election. If this group is elected, a further election of a single disclosed species is also required.

Applicants provisionally elect Group I, Claims 7 and 15, drawn to (piperidine compounds of formula I where) R^6 , R^7 and R^8 are H (or alkyl) with traverse on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the four groups.

Moreover, the MPEP at § 803 states as follows:

“If the search and examination of the entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct independent inventions.”

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Additionally, Applicants elect as species the compound 2-[4-(3-hydroxy-2-hydroxymethyl-phenylamino)-piperidin-1-yl]-N-(9-ethyl-9H-carbazol-3-yl)-acetamide. This compound is Example 5 of the specification and is listed in Claims 15 as [5]. In view of this election, Claims 1-6, 8-14 and 16-21 are expected to be prosecuted together along with elected Claims 7 and 15.

Finally, Applicants respectfully submit that, should the claims of Group I be found allowable, the Office should expand its search to the claims of Groups II, III and IV.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

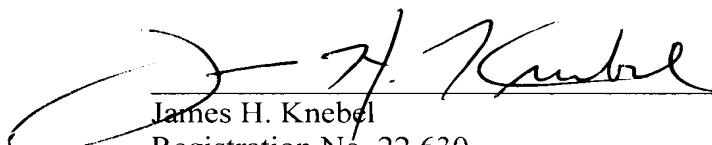
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